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HUMAN RIGHTS QUESTIONS

Letter dated 1 July 1991 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of the Declaration of the European Council on human rights, issued on 29 June 1991 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under item 99 of the preliminary list.

(Signed) Jan de MARCHANT et d'ANSEMBOURG
Chargé d'affaires a.i.

* A/45/50.

ANNEX

Declaration on human rights, published by the European Council on 29 June 1991

Recalling the 1986 Declaration of Foreign Ministers of the Community on human rights (21 July 1986), the European Council reaffirms that respecting, promoting and safeguarding human rights is an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its member States and other countries. In this regard the European Council stresses its attachment to the principles of parliamentary democracy and the primacy of law.

The European Council welcomes the considerable progress made in recent years in the field of human rights, and the advances in democracy in Europe and throughout the world, particularly in certain developing countries. It welcomes the growing prominence of demands of peoples for freedom and democracy throughout the world.

They deplore, however, the persistence of flagrant violations of human rights in many countries. The Community and its member States undertake to pursue their policy of promoting and safeguarding human rights and fundamental freedoms throughout the world. This is the legitimate and permanent duty of the world community and of all States acting individually or collectively. They recall that the different ways of expressing concern about violations of rights, as well as requests designed to secure those rights, cannot be considered as interference in the internal affairs of a State and constitute an important and legitimate part of their dialogue with third countries. For their part, the Community and its member States will continue to take up violations wherever they occur.

The European Community and its member States seek universal respect for human rights. Many international instruments have been elaborated in the last decades, first among which rank the Universal Declaration of Human Rights and the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. No specific provision based on national, cultural or religious factors can validly be invoked to detract from the principles established by these instruments. The European Council calls on all States to become a party to the international instruments in force.

In the field of human rights, the effective and universal implementation of existing instruments and the strengthening of international mechanisms of control is a priority. The Community and its member States will continue to work for the efficient functioning of such mechanisms in their administrative, organizational and financial aspects. Moreover, they undertake, in the context of these mechanisms, to push for an improvement in the transparency of procedures. The European Council is well disposed towards the possibility of enabling individuals to be involved in the protection of their rights. The European Council calls for the cooperation of States with the

intergovernmental organizations to which they belong in monitoring the implementation of human rights, in particular in the framework of the commissions created by United Nations agreements and in regional institutions.

Tensions and conflicts arising from flagrant and systematic violations of human rights and fundamental freedoms in one country or in a specific region are often a threat to international peace and security.

The protection of minorities is ensured in the first place by the effective establishment of democracy. The European Council recalls the fundamental nature of the principle of non-discrimination. It stresses the need to protect human rights whether or not the persons concerned belong to minorities. The European Council reiterates the importance of respecting the cultural identity as well as rights enjoyed by members of minorities which such persons should be able to exercise in common with other members of their group. Respect of this principle will favour political, social and economic development.

The European Council recalls the indivisible character of human rights. The promotion of economic, social and cultural rights, as of civil and political rights, and of respect for religious freedom and freedom of worship, is of fundamental importance for the full realization of human dignity and of the legitimate aspirations of every individual. Democracy, pluralism, respect for human rights, institutions working within a constitutional framework, and responsible Governments appointed following periodic, fair elections, as well as the recognition of the legitimate importance of the individual in a society, are essential prerequisites of sustained social and economic development.

The European Council deplores the fact that countless people in the world are victims of hunger, illness, illiteracy and extreme poverty and are thus deprived of the most basic economic and social rights. It notes moreover that special attention should be paid to the most vulnerable categories of people, for example, children, women, old people, migrants and refugees. The European Council believes that it is an affront to human dignity to deny help to victims in emergency situations or in extreme distress, particularly in cases of violence against innocent civilians and refugees. To the victim's need for humanitarian assistance corresponds a duty of solidarity of the States concerned and of the international community.

All lasting development should be centred on man as the bearer of human rights and beneficiary of the process of development. Violations of human rights and suppression of individual freedoms impede an individual from participating in and contributing to this process. Through their policy of cooperation and by including clauses on human rights in economic and cooperation agreements with third countries, the Community and its member States actively promote human rights and the participation, without discrimination, of all individuals or groups in the life of society, bearing in mind particularly the role of women.

The Council of Europe plays a leading role in the field of human rights with its expertise, its numerous projects in this field, training and educational activities, and programmes of cooperation with the countries of central and Eastern Europe which possess or are seeking to possess democratic institutions. Under its aegis, the European Convention on the Protection of Human Rights and Fundamental Freedoms, given the binding character of its norms and the strictness and reliability of its provisions of control, is both an advanced, effective system of protection and a point of reference for other regions of the world. The European Council welcomes the readiness of the Council of Europe to put its experience at the service of the CSCE.

The Community and its member States stress the importance they attach to the human dimension of the CSCE process, to its important contribution to democratic reforms in Europe, and to its considerable influence on the development of human rights in the European space. The European Council recalls the prospects opened up by the Final Document of the Copenhagen Conference in 1990 and the commitments undertaken when the Paris Charter was adopted. The mechanism of the Conference on the human dimension reflects participating States' conviction that upholding undertakings in the human rights field is the legitimate concern of the whole international community.

Individuals and non-governmental organizations throughout the world are making valuable and courageous contributions to safeguarding and promoting human rights. The European Council pays tribute to this commitment and deplores the fact that defenders of human rights are too often the first victims of the arbitrary treatment which they denounce. It calls upon all States to enhance the attachment of their publics to the cause of human rights through educational programmes, and by allowing non-governmental organizations free access to information and free distribution of information on human rights. By drawing the attention of the public at large to Governments' failings, the non-governmental organizations contribute significantly to the protection of individuals and the promotion of human rights in general.

The European Council reiterates the commitment of the community and its member States to support and promote, in regional and international bodies, that respect for human rights and fundamental freedoms without which peace and lasting security cannot be established.